

P-999/CI-90-235 ORDER APPROVING TARIFF

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Commission-
Initiated Proceeding to
Determine Whether Resale of
Local Telephone Service is in
the Public Interest

ISSUE DATE: January 11, 1994

DOCKET NO. P-999/CI-90-235

ORDER APPROVING TARIFF

PROCEDURAL HISTORY

On January 19, 1993, the Commission issued its ORDER AUTHORIZING RESALE OF CENTRON SERVICE in Docket No. P-999/CI-90-235. In its Order, the Commission found that under specified conditions, the resale of U S West Communications, Inc.'s (USWC)'s CENTRON service was in the public interest. Among other things, the Commission directed U S West Communications, Inc. (USWC) as follows:

Within 30 days of this Order, USWC shall file a proposed tariff specific to CENTRON resale maintaining the same rates that it currently charges under its joint users' tariff. Once the Commission approves a tariff specific to CENTRON resale tariff, USWC shall cease using the joint users tariff with respect to CENTRON resellers.

Order at page 20, Ordering Paragraph 9.

On January 29, 1993, U S West Communications, Inc. (USWC) filed a motion for reconsideration of the Commission's January 19, 1993 Order.

On July 15, 1993, the Commission issued its ORDER DENYING MOTION FOR RECONSIDERATION in Docket No. P-999/CI-90-235. This Order, which affirmed most of its initial conclusions, effectively postponed the 30 day compliance date to 30 days from the July 15, 1993 Order.

On August 16, 1993, USWC filed its proposed CENTRON resale tariff in compliance with the January 19, 1993 Order, as modified as to time by the July 15, 1993 Order.

On October 13, 1993, USWC substituted a revised CENTRON resale tariff for the one it filed on August 16, 1993.

On December 21, 1993, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

Compliance With Ordering Paragraph 9

The Commission finds that the revised CENTRON resale-specific price list submitted by USWC on October 13, 1993 is in compliance with the Commission's Orders in the 235 Docket. Therefore, the Commission will approve it.

Discontinuance of CENTRON Service via the Joint Users Tariff

Having just now approved the CENTRON resale-specific tariff, the Commission will proceed, consistent with the intention expressed in the January 13, 1993 Order, to direct USWC to cease using the joint users tariff to serve CENTRON resellers. Henceforth, any party authorized to resell CENTRON services shall receive that service from USWC pursuant to the newly approved CENTRON resale tariff.

Status of Two Companies Currently Receiving CENTRON via the Joint Users Tariff

USWC states that it currently provides CENTRON services to two companies under the joint users tariff that it believes resell those services to third parties. If these companies held certificates of authority pursuant to Minn. Stat. § 237.16 (1992), USWC would now be authorized to serve them under the newly approved CENTRON reseller tariff. However, these companies do not hold certificates of authority to resell CENTRON service¹ and USWC does not believe, as the companies apparently assert, that they are authorized to operate without certificates of authority as PSTS providers.² If USWC's evaluation is correct, termination of CENTRON services to these companies would be warranted.

Instead of allowing USWC to terminate CENTRON service to these two companies immediately, however, the Commission will issue an Order to Show Cause to each company and will direct USWC to continue serving these two companies for a period not to exceed 90 days from the date of this Order. This will give the companies an opportunity to address the Commission regarding any claim they may have to continued service. Commission action with respect to these matters is taken in separate dockets and Orders.

¹ They have not even applied for certificates of permanent authority to resell CENTRON in USWC's exchanges as required of all Centron resellers in the Commission's January 13, 1993 Order.

² A private shared telecommunications services (PSTS) provider is authorized to operate by and pursuant to Minn. Stat. § 237.68 (1992) and does not need to obtain a certificate of authority from the Commission.

ETI-Related Dockets

In a related matter, Docket No. P-449/NA-93-127, the Commission has approved ETI's application and granted that company a permanent certificate of authority to resell CENTRON services in USWC's exchanges. See the Commission's Order in that docket dated January 10, 1994. USWC will provide CENTRON services to ETI pursuant to the CENTRON reseller tariff approved in the current Order.

Also, as part of its application for authority to resell CENTRON, ETI requested that the following ETI-related dockets be closed: Docket Nos. P-449/M-89-178; P-449/M-89-1084; P-449/M-90-23; P-449/C-89-1026; and P-438, 449/C-89-517. The Department recommended that each of these dockets be closed.

After reviewing all of the above-listed miscellaneous (M) and complaint (C) dockets, the Commission finds that it is appropriate to close these dockets. The Commission will issue a separate closing Order in each of these dockets.

ORDER

1. The revised CENTRON resale-specific price list submitted by USWC on October 13, 1993 is approved.
2. USWC shall cease using the joint users tariff to serve CENTRON resellers forthwith. Henceforth, USWC shall provide CENTRON service
 - a) pursuant to its CENTRON reseller tariff exclusively and
 - b) only to authorized CENTRON resellers, except as provided for in Ordering Paragraph 4.
3. Within 10 days of this Order, USWC shall submit a list of all CENTRON resellers known to the Company.
4. For a period of 90 days following this Order, USWC shall continue to provide CENTRON service using its newly approved CENTRON reseller tariff to Downtown Telecom and Universities Technologies or to any successors in interest to these companies.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)